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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,492	12/14/1999	STEVEN M. ARMSTRONG	NTL-3.2.086/	3881
34845	7590	09/21/2004	EXAMINER	
STEUBING AND MCGUINNESS & MANARAS LLP			ZIA, SYED	
125 NAGOG PARK			ART UNIT	
ACTON, MA 01720			PAPER NUMBER	
			2131	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/461,492

Applicant(s)

ARMSTRONG ET AL.

Examiner

Syed Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-43 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 29, 2004 has been entered.

Response to Amendment

This office action is in response to amendment filed May 17, 2004 (Paper No. 17). Original application contained Claims 1-30. Applicant previously added new Claims 31-43. Applicant amended Claims 1, 2, 5, 13, 14, and 22. The amendment filed on May 17, 2004 (Paper No. 17) have been entered and made of record. Therefore, presently pending claims are 1-43.

Response to Arguments

Applicant's arguments filed on May 17 (Paper No. 17) have been fully considered but they are not persuasive because of the following reasons:

Applicants argued that cited prior art (CPA) [Staples et al. U. S. Patent 6,301,339] does not teach "*that the user is using or in proximity to any particular communications device, and*

indication of the location of the sender”, and also argued CPA does not facilitate “instant communication with a person, rather than a device”.

This is not found persuasive. As mentioned in previous office action, CPA teaches and describes a system and method of communication system for corporate office, including virtual presence server, which invokes call communication and sends call data to remote user through public switched telephone network.

The virtual presence server provides access of local area network and private branch exchanger (PBX) by a remote user through a communication device for connected to the server in the office through public switched telephone network (PSTN). The server sends data and calls to the remote user through the PSTN network, and make corporate office enable access of facilities provided by telephony server such as facsimile, e-mail communication and LAN of office by remote branch office (BO) employees and for receiving home telephone calls. Thus enabling the user to have virtual presence at the office while working from remote location (Fig1-5, col.7 line 18 to line 38, col.38 line 41 to col.40 line 30, and col.44 line 16 to line 45).

Therefore, CPA teaches, describes, and provides a system and methods of communicating with a watched party over a multiple access network.

Applicants still have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

Therefore, the examiner asserts that CPA does teach or suggest the subject matter broadly recited in independent Claims 1, 13, 22, and dependent Claims 2-12, 14-21, 23-30, and 31-43.

Accordingly, rejections for Claims 1-43 are respectfully maintained.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Staples et al. U. S. Patent (6,301,339).

3. Regarding claims 1, 13 and 22 Staples teaches and describes a system and method that relates to a system and method which provides connectivity between one or more remote users and a corporate office, wherein the remote users have a virtual presence at the corporate office, including access to the facilities and features provided by the corporate office telephone system and local area network, comprising:

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- providing said watched party with a contact identifier; storing a plurality of contact addresses for said watched party in a common location which is accessible via said multiple access network, each contact address associated with a corresponding plurality of different devices and having different values; receiving a request from watching party to contact said watched party, wherein said request includes said contact identifier, and determining presence information from the watched party including identifying which of said different devices are in active communication with the multiple access network (Fig. 10, col. 3 line 1 to line 12, and col. 20 line 49 to line 62);

- selecting one plurality of contact addresses associated with at least one device identified as being in active communication with multiple access network as an address for contacting the watched party, the step of selecting operating in response to a watched party defined contact rule, the watched party defined contact rule associating watched party presences with each of the plurality of contact numbers (Fig-15-16, col. 35 line 45 to col. 36 line 11); and

- selectively forwarding the selected contact address to the watching party to enable the watching party to contact the watched party at the selected contact address in response to the watched party contact rules, whereby quickly contacting the watched party may be facilitated and controlled (Fig. 1, col. 6 line 45 to col. 7 line 55);

- a processor coupled to said multiple access network, wherein said processor is configured to store contact information for contacting said watched party via a plurality of access network the contact information including a plurality of different contact numbers corresponding to the plurality of devices associated with at least two different access networks (col. 37 line 25 to line 48);

- at least one watched party defined contact rule stored in said processor the watched party defined contact rule associating watched party presence and user preferences with each of the plurality of contact numbers (col.2 line 34 to line 48),

- a plurality of gateways coupled between said processor and said plurality of access networks; wherein said plurality of gateways are configured to provide said processor with information pertaining to a presence of said watched party on said plurality of access networks, including which of the devices is currently in active communication with at least one of the access networks; and, wherein said processor is configured to select one of the plurality of contact address for forwarding to a watching party seeking access to the watched party in response to the watched party requests and watched party defined contact rules (Fig. 5, col. 2 line 60 to col. 3 line 67, and col. 13 line 28 to col. 14 line 42).

4. Claims 2, 4, 10-12, 14-16, 21, 23-25, 27 and 30 31, 38, and 42 are rejected applied as above rejecting claims 1, 13, and 22. Furthermore, Staples teaches and describes a virtual presence server that provides access of local area network (LAN) and private branch exchanger by a remote user through a communication device connected to the server in the office through public switched telephone network. The server sends data and calls to the remote user through the PSTN network, comprising:

- prior to contacting said watched party providing a contact address and a description of said at least one device to the watching party (col. 2 line 50 to col. 3 line 12);

- determining that said watched party is accessible via a plurality of devices; contacting said watched party via at least one of said plurality of devices based upon said set of watched party defined contact rules (col. 3 line 13 to line 42);

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- converting said contact identifier into at least one of said plurality of contact addresses prior to contacting said watched party; and contact identifier into a plurality of said plurality of contact addresses prior to contacting said watched party (col. 35 line 50 to col. 37 line 24);

- controlling access to said determination that said watched party has access to said multiple access network via said at least one device based upon said watched party defined contact rules (Fig-15-16, col. 35 line 45 to col. 36 line 11);

- a plurality of watched party defined contact rules stored in said processor (col. 2 line 34 to line 48);

- contact information includes at least one destination address of said watching party for contacting said watched party via at least one of said access networks; and contact information includes at least one device type for contacting said watching party (col. 25 line 17 to line 47);

- processor is configured to limit access to a watching party to at least one set of contact information based upon said at least one watched party defined contact rule; and said subset of said contact information comprises a contact identifier which is convertible by said processor means into at least one contact address for said watched party (Fig. 18, and col. 38 line 42 to col. 39 line 63);

- prior to contacting said watched party, automatically determining a location of said watched party, automatically determining a location of said watched party based on a plurality of resources, accessing a stored information about said watched party in the at least one device (col.37 line 50 to col. 38 line 8).

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5. Claims 3, 5, 9, 17-18, 26, and 28-29, 32, 33, 39, and 43 are rejected applied as above rejecting claims 2, 4, 15, 16, 25, and 27. Furthermore, Staples teaches and describes a virtual presence server, wherein

- prior to contacting said watched party, said watching party providing said contact address and said description of said at least one device with said request; and prior to contacting said watched party, providing a contact address and a description of said at least one device to a watching party (col. 2 line 50 to col. 3 line 12);

- determining a contextual situation of a watched party and providing a description of said contextual situation to said watching party (Fig. 3, and col. 10 line 1 to line 17);

- said device type is selected from the group consisting of telephone, facsimile, pager, e-mail system and videoconference system (Fig. 2, and col. 7 line 55 to col. 9 line 53);

- said subset of said contact information comprises a contact identifier which is convertible by said processor into at least one contact address for said watched party (Fig. 18, and col. 38 line 42 to col. 39 line 63);

- said contact identifier comprises a telephone number; and said contact identifier comprises a data network address (col. 7 line 19 to line 38);

- location of the said watched party is automatically determined based at least in part on recent use of said at least one device, and on the location of a mobile phone associated with watched party, the plurality of resources comprises the at least one device that watched party uses to access said multiple access network, and prior to contacting said watched party, determining a location of said watched party based on the location information found in the watched party defined contact rules (col.38 line 42 to col. 39 line 7).

6. Claims 6, and 19-20, 34, and 40 are rejected applied as above rejecting claims 5 and 18.

Furthermore, Furthermore, Staples teaches and describes a virtual presence server, wherein

- prior to contacting said watched party, said watching party providing said contact address and said description of said at least one device with said request (col. 2 line 50 to col. 3 line 12);

- contact identifier comprises a telephone number; and contact identifier comprises a data network address (col. 7 line 19 to line 38).

- at least one of said plurality of contact addresses is associated with said at least one device, and prior to contacting to said watched party, accessing a stored information about said watched party in the at least one device (col.39 line 21 to line 55).

7. Claims 7, 8, 35, 36, 37, and 41 are rejected applied as above rejecting claim 6.

Furthermore

- prior to contacting said watched party, providing a contact address and a respective description of said plurality of devices to said watching party (col. 2 line 50 to col. 3 line 12);
and

- prior to contacting said watched party, said watching party providing said contact address and said description of at least one of said plurality of devices with said request (Fig. 3, and col. 10 line 1 to line 17).

- the step of selecting one said contact addresses based at least in part on said set of watched party defined contact rules (col.3 line 12 to line 33, and col. 13 line 28 to col. 14 line 42);
- the step of selecting a contact address associated with a device, that is not at the automatically determined location of the watched party, and that is at the automatically determined location of the watched party col.8 line 6 to line 25)(col.3 line 43 to line 67);
- prior to contacting said watched party, determining the location of said watched party based on the stored information in the at least one device (col45 line 5 to col46 line 12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 703-305-3881. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SZ

September 16, 2004